



1900 M St. NW • Suite 800 • Washington, DC 20036

12 July 2005

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Wireline Broadband Internet Access NPRM, WCB Docket No. 02-33

Dear Ms. Dortch:

On July 11, 2005, Earl Comstock, CEO, CompTel/ALTS, together with Jonathan Lee, Senior Vice President – Regulatory Affairs, CompTel/ALTS, met with Chairman Kevin Martin, Dan Gonzalez, Chief of Staff, and Michelle Carey, Legal Advisor, Office of the Chairman, regarding the above-referenced dockets. On the same day, the undersigned, together with Earl Comstock, CEO of CompTel/ALTS, met with Tom Navin, Chief, Wireline Competition Bureau, Julie Veach, Chief, Competition Policy Division, WCB, Terry Natoli, Assistant Chief, PPD, WCB, Ian Dilner, Legal Advisor, WCB, and Bill Kehoe, PPD, WCB, regarding the above-referenced docket. Specifically, CompTel/ALTS made the following arguments in both presentations:

- (1) The Supreme Court decision in *Brand X* expressly disclaims any factual or legal findings related to the broadband service offerings of incumbent local exchange carriers, and thus compels no particular outcome in the Wireline Broadband Internet Access NPRM.
- (2) The Commission must evaluate the myriad implications for broadband penetration of the Bell company demands for “regulatory parity.” Specifically, the Commission must explore whether removal of the *Computer Inquiry* regime – which is entirely responsible for the growth and development of the Internet – would lead to a closed duopoly of private cable and Bell broadband networks that would stifle Internet innovation and consumer choice.

- (3) The Commission should take affirmative steps to prevent the Bell companies from using the Wireline Broadband Internet Access NPRM to deny competitors access to interconnection, network elements, special access services, and other facilities and services that are vitally important to competitive broadband deployment in both the residential and business marketplaces.

Respectfully submitted,

/s/ Jason Oxman

Jason Oxman
Senior Vice President, Legal
Affairs
CompTel/ALTS